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Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Letter dated 24 April 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General

On instructions from the Government of the Republic of Panama, I transmit to you herewith the Panama Declaration on International Cooperation against Terrorism and Transnational Organized Crime, adopted by the delegations of Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama at the Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime, held from 4 to 7 April 2006 in Panama City, Republic of Panama (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 106, 107 and 108, and of the Security Council.

(*Signed*) Giancarlo **Soler Torrijos**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 24 April 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General

Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime

Panama City, Panama, 7 April 2006

Panama Declaration

The delegations of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama, participating in the Ministerial Conference on International Cooperation against Terrorism and Transnational Organized Crime (hereafter referred to as the Ministerial Conference) and Colombia, current Chair of the Inter-American Committee against Terrorism, meeting in Panama City from 4 to 7 April 2006;

Noting with gratification the work of the United Nations Office on Drugs and Crime (UNODC) and the Inter-American Committee against Terrorism of the Organization of American States, which organized and coordinated this Conference;

Recognizing also the presence of the Executive Directorate of the Counter-Terrorism Committee, the International Monetary Fund, the Office of the United Nations Commissioner for Human Rights, INTERPOL, the International Maritime Organization, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the European Union, the Central American Integration System and the Audiencia Nacional de España;

Emphasizing the work of the UNODC Terrorism Prevention Branch in the provision of technical assistance and support to criminal justice systems in order to enable them to fulfil the obligations deriving from the universal counter-terrorism instruments;

Emphasizing also the work of the Counter-Terrorism Committee of the United Nations Security Council and of its Executive Directorate relating to the evaluation of the implementation of resolutions 1373 (2001) and 1624 (2004) and its functions with regard to the coordination of technical assistance and the promotion of best practices in combating terrorism;

Reaffirming, in accordance with Security Council resolutions 1373 (2001) and 1566 (2004) the clear condemnation of terrorism in all its forms and manifestations, whatever its origin or motivation, in accordance with the principles of general international law, especially the Charter of the United Nations, international conventions and other instruments; and likewise condemns, in accordance with Security Council resolution 1624 (2005), incitement to commit terrorist acts;

Reaffirming also that it is important for States to ensure that all counter-terrorism measures adopted are in conformity with the obligations of international humanitarian, refugee and human rights law;

Convinced that the strengthening of international cooperation is an absolute priority in combating terrorism and transnational organized crime;

Noting with gratification the adoption of the International Convention on the Suppression of Acts of Nuclear Terrorism on 13 April 2005 during the fifty-ninth session of the United Nations General Assembly, and its opening for signature and ratification at the 2005 World Summit;

Concurring with the conclusions of the 2005 World Summit organized on the occasion of the sixtieth session of the General Assembly, which emphasized the role of the United Nations in combating terrorism and the importance of regional and bilateral cooperation in that field;

Emphasizing the entry into force of the Palermo Convention of 29 September 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, of 25 December 2003, and the Protocol against the Smuggling of Migrants by Land, Sea and Air of 28 January 2004, which are effective instruments of international cooperation in combating transnational organized crime;

Endorsing the Bangkok Declaration, adopted by the eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, and particularly its terrorism component;

Stressing the importance of the San Carlos Declaration on Hemispheric Cooperation for Comprehensive Action to Combat Terrorism, adopted at the sixth regular session of the Inter-American Committee against Terrorism, held in Bogota D.C. from 22 to 24 March 2006;

Recalling United Nations General Assembly resolution 60/43 of 6 January 2006 which requests the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of Acts of Nuclear Terrorism, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

Emphasizing also General Assembly resolution 58/140 of 22 December 2003, which invites all States to support the activities of the United Nations Crime Prevention and Criminal Justice Programme, through contributions to the United Nations Crime Prevention and Criminal Justice Fund, or through direct voluntary contributions to those activities;

Declare that:

1. We recognize the importance of the international counter-terrorism instruments and the United Nations Convention against Transnational Organized Crime and the Protocols thereto. In that connection, we urge States which have not done so to consider ratifying them.

2. We urge the States participating in this Ministerial Conference which have not yet done so to adopt in their internal order the legal norms necessary for the effective implementation of the international instruments aimed at combating terrorism and transnational organized crime, in particular the aspects relating to the

characterization of offences, the exercise of jurisdiction and international judicial cooperation;

3. We stress the importance of the principle of due process and respect for human rights in criminal proceedings relating to terrorism and transnational organized crime and the need to ensure the protection of those involved in the process and of victims, particularly women, children and older persons;

4. We urge the States participating in this Ministerial Conference to continue collaborating with the Counter-Terrorism Committee of the United Nations Security Council, pursuant to resolutions 1373 (2001) and 1624 (2005), with the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, and with the Committee established pursuant to resolution 1540 (2004) concerning the transfer of weapons of mass destruction to non-State actors;

5. We urge the States participating in this Ministerial Conference which have not yet done so to submit to the Office of Treaty and Legal Affairs of UNODC the questionnaires on the application of the United Nations Convention on Transnational Organized Crime, and the questionnaires on the application of the Protocols thereto, in accordance with the decisions taken by the Conference of Parties to the Convention at its various sessions;

6. We urge the States participating in this Ministerial Conference to adopt all necessary national measures to ensure the most comprehensive and rapid mutual assistance in connection with criminal investigations or proceedings aimed at combating terrorism and transnational organized crime so as to comply with the treaties, including assistance in the gathering of necessary evidence in such proceedings;

7. We invite States to consider adopting the measures necessary for the improved use of INTERPOL Red Notices and the INTERPOL I-24/7 communications system as alternative channels for the transmission of requests for extradition and mutual legal assistance;

8. We urge all the countries of Ibero-America to strengthen the Ibero-American Legal Assistance Network (IberRED) as an efficient instrument for facilitating and accelerating judicial assistance and cooperation in the region;

9. We invite the States participating in this Ministerial Conference to strengthen operational cooperation among the competent agencies, in particular through multilateral or bilateral arrangements for the prevention and suppression of terrorist attacks, in accordance with the relevant provisions of Security Council resolution 1373 (2001);

10. We invite donor countries and international and regional organizations to provide technical, financial and material assistance to support the efforts of the States participating in the Ministerial Conference with a view to the ratification of, accession to and implementation of the United Nations Convention on Transnational Organized Crime, the Protocols thereto and the international counter-terrorism instruments;

11. We stress the importance of strengthening national, subregional, regional and international coordination and cooperation measures and mechanisms to prevent, combat and eliminate terrorism and transnational organized crime. To that

end, we urge the international community to provide technical and financial assistance so as to enable criminal investigations to be conducted successfully;

12. We request the United Nations Office on Drugs and Crime and the Inter-American Committee against Terrorism, to continue jointly providing technical assistance to the States participating in this Ministerial Conference with a view to the ratification and implementation in their respective legislations of the universal counter-terrorism instruments;

13. We also request the United Nations Office on Drugs and Crime to increase its technical assistance and, together with the Inter-American Committee against Terrorism, to develop training programmes for judicial officials, police officers and other civil servants involved in implementing the universal counter-terrorism instruments, and the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as programmes aimed at national legislatures;

14. We recommend the dissemination to Spanish-speaking countries of the UNODC Guide for the legislative incorporation and implementation of the universal counter-terrorism instruments;

15. We urge the relevant United Nations programmes, funds and agencies, particularly the United Nations Development Programme, the international financial institutions, especially the International Monetary Fund and the World Bank, and regional and national financial agencies to support the technical assistance activities in the area of crime prevention and criminal justice conducted jointly by the UNODC and the Organization of American States;

16. We invite the International Monetary Fund to provide technical assistance to countries at their request in order to continue strengthening the implementation of international obligations and standards in the effort to combat money-laundering and the financing of terrorism;

17. We draw the attention of the international community to the importance of appropriate institutional development programmes, support for criminal justice systems including the prison system, and promotion of the rule of law, which are important instruments for combating crime in all its forms and terrorism;

18. We express our sincere thanks to the Government of the Republic of Panama for having hosted and supported this Ministerial Conference, held in Panama City, Panama, from 4 to 7 April 2006, and to the United Nations Office on Drugs and Crime and the Inter-American Committee against Terrorism of the Organization of American States, which jointly organized this Conference.

Panama City, 7 April 2006